IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.22417 of 2008
MD.ROCKY @ SARAFAT
Versus
THE STATE OF BIHAR

4/ 06.08.2008 A counter affidavit has been filed by O.P. No. 2.

Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the State.

The case has been registered under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The informant is wife of the petitioner, who was married with the petitioner on 30th March, 2005. Allegation is that she was being subjected to torture by her in-laws in connection with dowry related demand.

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Submission is that the petitioner is ready to keep his wife with full respect and affection which she deserves.

Learned Counsel appearing on behalf of the informant has filed counter affidavit and has expressed the inability of the informant to reside with the petitioner. The statement is specific that "O.P. No. 2 does not want to live with the petitioner".

In view of the statement of counter affidavit there appears no purpose for keeping the petitioner is in custody. The only grievance of the informant is that her goods which have been given to the petitioner should be returned.

This Court will not express any merit to the claim of the counter affidavit with regard to the return of the goods.

Considering the facts and circumstances of the case, the

petitioner Md. Rocky @ Sarafat is ordered to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 77/2007.

kksinha/ **(Shyam Kishore Sharma, J.)**

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